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Notice of Allowability	Application No.	Applicant(s)	
	10/714,184	CASE, GERALD A.	
	Examiner	Art Unit	
	Michael W. Talbot	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 28 December 2006.
2. ☒ The allowed claim(s) is/are 1-4 and 6-8.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none">1. <input type="checkbox"/> Notice of References Cited (PTO-892)2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none">5. <input type="checkbox"/> Notice of Informal Patent Application6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____7. <input type="checkbox"/> Examiner's Amendment/Comment8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance9. <input type="checkbox"/> Other _____ |
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MONICA CARTER
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance:

Claims 1-4 and 6-9 are allowed.

Claim 1 is the sole independent claim.

Regarding claim 1, the prior art of record fails to anticipate or make obvious "a mandrel having a substantially flat faced head defined by a threaded bore formed therein", solely or in combination, with the mandrel further comprising an elongated shaft with a distal end and a disk-shaped head opposite said distal end defining an outer diameter, a generally cylindrical shape punch having a base end defining a substantially flat face having an aperture formed therethrough and a cutting end defining a cutting edge terminating in at least one pointed tip and an attachment means for attaching the punch to the mandrel whereby the base end of the punch is in adjacent to the face of the mandrel and a bolt extends through the aperture of the base end of the punch and threadedly engaging the thread bore of the flat face of the mandrel

Loerwald '367 is the closest art of record.

Loerwald '367 shows in Figures 1-4 a punch assembly (10) for punching holes in a metal sheet (col. 2, lines 38-41) comprising a mandrel (20,22) having an elongated shaft (20) with a generally constant diameter over its entire length, a distal end (at 22) and a disk-shaped head (at 28) opposite the distal end. Loerwald '367 shows the disk-shaped head defining an outer diameter and a substantially flat face (at 28) defined by a threaded bore (Fig. 3) formed therein. Loerwald '367 shows a generally cylindrical shaped punch (26) comprising a base end (28) defining a substantially flat face having an aperture (30) formed there through the base end and a cutting end (36) terminating in a pair of opposing arcuate portions (42) in alternate space relation with a pair of tip portions (40). Loerwald '367 shows an attachment means comprising a

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bolt (32) extending through the aperture (30) of the base end of the punch and threadedly engaging the thread bore of the flat face of the disk-shaped head (Fig. 3).

Loerwald '367 lacks the presence of "a mandrel having a substantially flat faced head defined by a threaded bore formed therein" as set forth in independent claim 1. Although it is well known to have a threaded bore defined in a flat faced head of a mandrel member, there is no teaching in the prior art of record that would, reasonably and absent impermissible hindsight, motivate one having ordinary skill in the art to so modify the teachings of Loerwald '367, noting that in Loerwald '367, the head of the mandrel lacks a threaded bore formed therein. Thus, for at least the foregoing reasons, the prior art of record neither anticipates nor rendered obvious the present invention as set forth in independent claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MWT
Examiner
24 January 2007

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